IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

CRP.No. 1030 of 2007()

AGAINST THE ORDER DATED 12/11/2007 IN TOP 467/2007 IN RP.2/2007 of D.C. & SESSIONS COURT, ERNAKULAM

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REVN. PETITIONER: REVIEW PETITIONERS

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1. DR.WILSON PAUL,S/O. POULOSE
   PARTHUVAYALIL, KEEZHILLAM KARA
   RAYAMANGALAM VILLAGE,KUNNATHUNAD TALUK.

2. DR.NEETHU WILSON,
   W/O.DR.WILSON PAUL,
   DO....DO.....

BY ADV. SRI.DINESH R.SHENOY
SRI.V.V.UNNIKRISHNAN

RESPONDENTS/RESPONDENTS:

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1. DR.P.P.PATHROSE,S/O.POULOSE,
   PARATHUVAYALIL,KEEZHILLAM KARA,
   RAYAMANGALAM VILLAGE,KUNNATHUNAD TALUK.

2. ELDHO.M.GEORGE,S/O,MUTHUKATTU GEORGE
   CHENGALA PUTHENPURAYIL,
   KEEZHILLAM KARA, RAYAMANGALAM VILLAGE,
   KUNNATHUNAD TALUK.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

C.R.P.NO.1030 OF 2007

Dated this the 28th day of November, 2007.

O R D E R

This Civil Revision Petition is filed challenging the order in R.P.No.2/2007 in TOP No.467/2007. The learned counsel for the revision petitioners has made available a copy of the original order in the TOP. The court observed that both the suits between the same parties relate to the same subject matter and, therefore, ordered transfer of the suit pending before the Munsiff Court, Perumbavoor to the Sub Court, Perumbavoor. It is also written therein that there was no objection. Now, in order to have a review, there must be an error apparent on the face of the record or the party could not produce the evidence in spite of due diligence and for any other sufficient reason irrespective of the fact whether one had consented for a joint trial or transfer, there is a finding by the court to the effect that there is some issue to be tried in the suit together.

2. I do not find any error apparent on the face of the record or

other ground that exists for review of the judgment. Therefore, the order dismissing the review petition is confirmed. Needless to say that if the petitioner wants to challenge the original order in the TOP, he is at liberty to do so.

M.N. KRISHNAN, JUDGE.

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